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Of Attorneys for Defendant

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

ALEXANDRO ALONSO, a minor by and
through his guardian ad litem **LUCIA**
ALONSO,

Plaintiff,

v.

MOUNT HOOD COMMUNITY COLLEGE
DISTRICT, a Community College District,
doing business as **MOUNT HOOD**
COMMUNITY COLLEGE,

Defendant.

Case No. 3:18-1775
Multnomah County Case No.
18CV40426

NOTICE OF REMOVAL

Please take notice that defendant Mount Hood Community College removes this action to United States District Court for the District of Oregon, Portland Division, on the following grounds:

1. The removing party has been named as defendant in a civil action filed in the Circuit Court for the State of Oregon, County of Multnomah entitled *Alexandro Alonso, a minor by and through his guardian ad litem Lucia Alonso v. Mount Hood Community College District*, Multnomah County Court Case No. 18CV40426. Plaintiff asserts federal claims against

defendant for discrimination in public accommodations due to disability pursuant to the Americans with Disabilities Act as amended, 42 U.S.C. § 12182, and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.

2. Pursuant to 28 USC§1441(a), a defendant may remove an action filed in state court to the United States District Court if the court has original jurisdiction over the action. This court has original jurisdiction over this action in light of plaintiff's claims under 42 U.S.C. § 12182 and 29 U.S.C. § 794.

3. Attached as Exhibit 1 is a copy of plaintiff's Complaint filed in this matter.

4. Attached as Exhibit 2 is a copy of plaintiff's Consent to Appointment of Guardian Ad Litem for Alexandro Alonso-Partida filed in this matter.

5. Attached as Exhibit 3 is a copy of plaintiff's Motion for Relation Back of Original Complaint filed in this matter.

6. Attached as Exhibit 4 is a copy of Declaration of Ashley A. Marton in Support of Motion for Relation Back of Original Complaint filed in this matter.

7. Attached as Exhibit 5 is a copy of the Order on Motion for Relation Back of Original Complaint filed in this matter.

8. Attached as Exhibit 6 is a copy of plaintiff's Petition for Appointment of Guardian Ad Litem for Alexandro Alonso-Partida filed in this matter.

9. Attached as Exhibit 7 is a copy of the Order for Appointment of Guardian Ad Litem for Alexandro Alonso-Partida filed in this matter.

10. Attached as Exhibit 8 is a copy of the Acceptance of Service filed in this matter.

11. Pursuant to 28 USC§1367, this court has supplemental jurisdiction over state law

claims because said claims are part of the same case and controversy as the federal claims, and are derived from the same set of alleged operative facts.

12. Venue is proper in the United States District Court's Portland division because the plaintiff filed this action in the Multnomah County Circuit Court.

13. This case is being removed within thirty (30) days of the date after the receipt by the defendant in this matter. 28 USC§1446(b).

14. Defendant will immediately file a Notice of Removal with the clerk of the Multnomah County Circuit Court in accordance with 28 USC §1446(d).

WHEREFORE, defendants pray that this action be removed from the Multnomah County Circuit Court to the United States District Court for the District of Oregon.

DATED: October 5, 2018.

MERSEREAU SHANNON LLP

s/ Karen M. Vickers
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Of Attorneys for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have made service of the foregoing **NOTICE OF REMOVAL** by sending a true and correct copy of same in the following manner:

- ☒ U.S. regular mail, first class postage prepaid;
- ☐ Hand delivery;
- ☒ Electronic mailing;
- ☐ Express and/or overnight service;

to the person listed below and addressed as follows:

Craig A. Crispin
Ashley A. Marton
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Portland, OR 97221
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Of Attorneys for Plaintiff

DATED: October 5, 2018.

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